

January 9, 2018

ERIE COUNTY COUNCIL – Special Meeting

Chairman Foust called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Erie County Council Chambers, 140 West 6th Street, Room 117, Erie, PA. Following the Pledge of Allegiance, Mrs. Loll read the following prayer/invocation:

“Let us pray. It is the season of expectation and great celebration. Batteries will run down, the Christmas tree will soon turn brown, still one present glows bright with heavenly light. This will continue year round with love and kindness. We desire not to be distracted but to listen to the people of divided ideas. God, help us to be faithful and keep our priorities clear. Give us the strength and courage to open our eyes and hearts to the best we can do. We ask this in the name of Jesus Christ. Amen.”.

Roll Call

The County Clerk called the roll:

- Members Present: Mr. Anderson
 Mrs. Fatica
 Mr. Leone
 Mrs. Loll
 Mr. Rastetter
 Dr. Foust
- Members Absent: Mr. Horton
- Also Present: Douglas R. Smith, County Clerk
 Sue Ellen Pasquale, Manager of Accounting
 James Sparber, Director of Finance
 Joseph Maloney, CPA
 Thomas Talarico, Solicitor

Hearing of The Public None.

Approval of Minutes None.

**Reports of
County Officials**

Mrs. Fatica stated that the Finance Committee met on Thursday, January 4, 2018, and agreed to place the possible override of vetoes on Ordinance 126, 141, 142, and 143, 2017 under Old Business, and under New Business, Ordinances 1 and 2, 2018, Resolution 1, 2018, and numerous board/authority appointments.

Mr. Leone read the following report:

“Some issues involved with GECAC and GEEDC are complex and need further review. These issues can and will be resolved at some point in time.

At the last meeting I attended with staff from the GECAC board and their CEO, it proved to me that GECAC is completely divorced from GEEDC. The CEO is one of the most honest individuals I have had the pleasure of meeting. The problem at hand is Council has restricted funds necessary to run this operation. I am requesting that Council approve the ordinance that replaces these funds so GECAC can operate its services without any problems.

Now, however, because of the AG’s audit, I am recommending tabling this ordinance. In the future, we need to review the services and determine any changes needed to continue the operation of GECAC.

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I note in the information I received from the previous Council member that the CEO, Mr. Jones, is listed as GECAC's CEO and GEEDC's CEO. How was this mistake made? We just talked to Mr. Jones today and Mr. Jones assured us that he is not the CEO of GEEDC, he is the CEO of GECAC. I wonder, based on this report, it seems that the individual that prepared it has some outside interest. The other issue that I said during caucus, I believe it is completely unfair for the Auditor General to come in and say that we have a problem there. Unless he can identify that problem, not only the Auditor General but the County Controller – let's identify the problem, and if there isn't a problem with GECAC, then I believe they should say so. I think they have maligned GECAC quite a bit and I'm a little disappointed in that because I believe GECAC does an excellent service for this community and has done an excellent service for the community in the past. This was my first report.

My next report has to do with the ordinance that I proposed for representation to the ECGRA board for the County Executive is based on my concerns and feelings for proper representation. I realize that one of our colleagues feels he made a mistake in this ordinance.

When I voted for the community college, I was inundated with calls and emails opposing this issue. I felt perhaps I should rescind my vote and bring it back to the Council floor. After careful consideration, I realized that this vote for the community college was the right thing to do. To this day, I receive calls asking me why? I can only state my reason: without the community college and economic development plans for future changes, this County would eventually become impossible. Businesses have to have the opportunity to locate in an area where they feel they can continue to train and educate their employees without fear of having not just untrained employees, but the possibility of closing because of the lack of trained personnel.

Having said that, I believe in the concept of having a two-way street in this government. So this is the reason I put the ordinance in for the County Executive to have representation on the ECGRA Board, and believe me, tonight I also put in another first reading of a resolution that would give the County Executive two appointments on the Industrial Development Authority and I'm going to look to see if there are any others.

As far as the land bank ordinance is concerned, I want to thank Dr. Foust because in reading his proposal, I always felt the work he put in and the proposal he had was a good one. I was opposed and will continue to be opposed to putting it under the ECGRA Board.

Many feel that my concerns are about the CEO of ECGRA. They are not. My concerns are with the Board. The Board has to have control and if they agree to everything the CEO requests, then I can't blame the CEO, I have to blame the Board.

I have never liked the law that was passed from the State provided ECGRA as the land bank representative and I thought it was wrong. Hence my reason for voting for the County Executive's proposal. I am now further concerned because I believe paranoia is running rampant in the ECGRA Board. Their concerns not to appoint Mr. Logue to the Board concerns me. I believe we also have to have a state audit in reference to the funds that were used by ECGRA. The Attorney General is supposedly auditing GECAC and hopefully GEEDC. I believe that all of the issues that are going on, I'm a little disappointed at all of the lobbying that goes on by the ECGRA Board and some of their members, and the CEO and I feel that this is entirely wrong. I'm very suspicious when that happens and I wonder sometimes where there's smoke, there's fire. Thank you."

Mrs. Fatica reported that on January 7, 2018, she had the honor of hosting, along with State Representative Ryan Bizzarro, Team Rubicon at Bizzarro's Ringside Restaurant. It was a wonderful event. These individuals that have been here working to help with what has been referred to as "Snowmagedon" and they explained that when they go in to help, oftentimes there is a tornado, a flood, and they strive to work. In this case, the snow kept coming so it was an unusual situation for them to be involved in. A citation was presented on behalf of County

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Council. Councilwoman Loll and Councilman Rastetter were in attendance. A citation was given on behalf of State Representative Bizzarro and a proclamation was given from Millcreek Township Supervisors. It was interesting to note that one of the local volunteers who works for Erie Insurance in their Disaster Program was actually given time away from his job so he could be involved with this. His name is Matthew Sanders. He is working very hard to start a local group for Team Rubicon.

Mr. Anderson commented regarding the GECAC situation and Council moving toward tabling the resolution for the next meeting. He stated that he appreciated Mr. Jones coming in to speak to Council and Mr. Jones certainly satisfied any and all questions that Council could possibly have as to where GECAC stands, that they are clearly two separate organizations. He feels very confident in the leadership of Danny Jones and the strategies and plans that he is putting forward to move that organization forward for the next ten to fifteen years. Mr. Anderson supports GECAC and is concerned that Council would once again table the issue and felt that this would hurt the user, the local people in the community that need the services. He stated he is willing to go along for one more meeting as Mr. Jones expressed that one more meeting would not be harmful. Mr. Anderson will push to make sure those funds are released at the next meeting and wants to make sure that any type of criteria Council asks to put forward with any non-profit that comes to Council for grants is done fairly and across the board, and that no one organization is picked out to have to provide something more than any other organization. He felt that would set a bad precedent and he would not be in favor of that.

Chairman Foust spoke regarding applying procedures to one non-profit and not another, he agreed. He spoke about it during budget deliberations and in the previous meeting that Council needs to come up with some criteria and it is very simple to ask any non-profit point blank what is the purpose of the funds, what are the goals they will achieve, how will it positively impact the community, and how will they be able to state how the goals will be met. And following the grant appropriation into the next year, Council needs to require, by ordinance for the whole procedure, that the organization that received the grant needs to do a closeout report where they can explain the money that was spent, and did they or did they not achieve the goals. He commented that if they didn't achieve the goals, that would not mean it is a bad thing or that they would be ineligible for a grant in the future. Chairman Foust felt that Council needed to come up with a procedure that every grantee, large or small, has to go through to infuse more accountability. The grants to other organization process really is nothing more than a local walking around money type of venture and it has to stop. Chairman Foust was not casting aspersions on any organization that has received money that somehow they misused the money or that a Council member that may have sponsored it, because that is oftentimes where it starts, had some nefarious motive up their sleeve, that is not the issue. He felt there needs to be some additional accountability into that procedure. Moving forward, Chairman Foust stated that he would vote to table the ordinance as well so Council can get that information. If this money is released at the next meeting for GECAC, those things have to be in place for this particular grant as that will be the starting point in Chairman Foust's opinion.

OLD BUSINESS

Veto Override – Ord. 126, 2017

Possible override of veto on Ordinance Number 126, 2017, "Authorizing the Organization of the Neighborhood and Infrastructure Revitalization Fund (NIRF) and Governing Board."

Mr. Leone moved for a vote on the override, which was seconded by Mrs. Loll.

Mr. Leone stated that he would vote no, and explained that a no vote means that he is sustaining the County Executive's veto. A vote yes means a member does not sustain the veto.

Chairman Foust clarified that a yes vote would be to override the veto and in this case, he would be voting yes. He stated that obviously there will be differences of opinion as to what is the best course of action going forward regarding the land bank and the different issues that surround it, but one of things he did not see in the County Executive's proposal is a lot of creativity to be able to tackle the myriad of problems that the county has facing the community that are all associated with

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blight. Blight is not just residential properties, sometimes it is anchor businesses within a neighborhood and he did not see a lot of creativity from the County Executive's side of things in that regard. He would be voting to override the veto.

Roll call on the vote to override the veto on Ordinance Number 126, 2017:

Mr. Anderson – No; Mrs. Fatica – No; Mr. Leone – No; Mrs. Loll – No; Mr. Rastetter – No; Dr. Foust – Yes.

Override failed and the veto was sustained by a vote of 1-5, with Chairman Foust voting Yes.

**Veto Override –
Ord. 141, 2017**

Possible override of veto on Ordinance Number 141, 2017, "Repeal of Ordinance Number 124, 2017".

Mr. Leone moved for a vote to override the veto on Ordinance Number 141, 2017. This was seconded by Mrs. Loll.

Mr. Leone again stated that he would vote no in order to sustain this veto.

Chairman Foust stated that he will be voting to override this veto. This is a particular issue that is very worrisome to him. He commented that he has a lot of respect for Mr. Leone and likes him personally even greater than that just as someone to be around and talk and discuss things with, but they have very different opinions on this particular issue. Chairman Foust does not agree that the expansion of these boards is for proper representation and made the following statement: "I would ask everyone in the room, 'Do you think the ordinances to expand these boards would have occurred had Mr. Oligieri won the election?' If you can answer that with a straight face - yes, then by all means you vote with a clear conscience to expand these boards. But that is not the reason why and I disagree with the motivations of why these boards are being expanded regarding ECGRA especially. There is a movement afoot in my opinion to remove the executive director and even more importantly than that is to make that Authority come to heel of County Council to carry out the political wishes of County Council. Boards and Authorities are set up as a firewall from the political elected officials to make sure that they can do their business and not have to be unduly pressured by the elected officials to fulfill whatever their electoral needs may be. I believe more than anything else that is the reason why these particular boards are being expanded. There is already another movement afoot to call in to question the integrity of board members that are already on ECGRA and the more the merrier as far as I am concerned with the expansion of these boards, that is what these people have in mind anyway, and I don't think it's right. I said it in the back and I'll say it out here tonight for the public, etc. County Council is moving in a direction away from the way we have practiced and done our business in the past and it is not a positive movement in my opinion. For that reason, I will be voting to override this veto."

Mr. Leone stated that he has always respected Chairman Foust's opinion, but it is only his opinion. He commented that if Mr. Oligieri would have won, Mr. Leone would have still put the ordinance to add two more people from the County Executive. He stated he doesn't care who the County Executive is, he always felt it was fair to have the County Executive who is involved in the administration of this government to have some kind of a say. Mr. Leone stated that he keeps hearing the same rumors about getting rid of the executive director from the board members and other individuals in order to try to keep certain individuals from being on the board.

Chairman Foust stated that sincerity is always subject to proof and everyone has opinions and will see what happens in the future. Chairman Foust would say to the media that if they want to see where a lot of action is, to see which one may be right in the future, attending ECGRA meetings in the future might be the place to be rather than most of the Council meetings.

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Veto Override – Ord. 142, 2017	<p>Possible override of veto on Ordinance Number 142, 2017, “Repeal of Ordinance Number 126, 2017”. Mr. Leone moved to vote on the override, which was seconded by Mrs. Loll.</p> <p>Mr. Leone stated he would again vote No on the override.</p> <p>The roll call vote on the override of Ordinance Number 142, 2017 was as follows:</p> <p>Mr. Leone – No; Mrs. Loll – No; Mr. Rastetter – No; Mr. Anderson – No; Mrs. Fatica – No; Chairman Foust – Yes.</p> <p>The override failed and the veto was sustained by a roll call vote of 1-5, with Dr. Foust voting Yes.</p>
Veto Override – Ord. 143, 2017	<p>Possible override of the veto on Ordinance Number 143, 2017, “Authorizing the Organization of the Neighborhood and Infrastructure Revitalization Fund (NIRF)”.</p> <p>Mr. Leone moved to vote on the override, which was seconded by Mrs. Leone.</p> <p>Mr. Leone commented that he would again vote No.</p> <p>The roll call vote on the override of Ordinance Number 143, 2017, was as follows:</p> <p>Mrs. Loll – No; Mr. Rastetter – No; Mr. Anderson – No; Mrs. Fatica – No; Mr. Leone – No; Chairman Foust – Yes.</p> <p>The override failed and the veto was sustained by a vote on 1-5, with Chairman Foust voting Yes.</p>
Motion to Amend Agenda	<p>Mr. Leone moved to amend the agenda to add Ordinance Number 3, 2018, “An Ordinance to Create the Erie County Land Bank”. This was seconded by Mr. Anderson and carried in a unanimous roll call vote.</p>
<u>NEW BUSINESS</u>	
Ord. 1, 2018 – Amend. Admin Code – ECIDA	<p>Mr. Smith gave a first reading of Ordinance Number 1, 2018, “Amending Erie County Industrial Development Authority Article II, Section 5(D)(1)(c)(ii) of the Administrative Code of Erie County, Previously Amended by Ordinance Number 124, 2017”.</p>
Ord. 2, 2018 – Gaming Fund Rev. Exp. & Rel. Of Restricted GECAC Grant	<p>Mr. Smith gave a first reading of Ordinance Number 2, 2018, “2018 Gaming Fund Budget Revised Revenue and Expenditures of \$719,806 from Release of Restricted GECAC Grant”.</p>

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**Res. 1, 2018 – Apprv.
CivicPlus for Agenda
Mgmt. Software**

Mr. Smith gave a reading of Resolution Number 1, 2018, “Approving Selection of CivicPlus as the Vendor for County Council Agenda Management Software”. This was moved by Mr. Leone and seconded by Mrs. Fatica.

Chairman Foust felt that this will be a big step forward for Council to organize the meetings and get a lot of information out to the citizens of Erie County. He looks forward to utilizing it and he knows that the staff is excited to be able to use it as well.

Resolution Number 1, 2018, then carried in a unanimous roll call vote.

**BOARD/AUTHORITY
APPOINTMENTS**

Mr. Leone moved to appoint the following appointments in one vote. This was seconded by Mrs. Loll and carried in a unanimous roll call vote.

Chairman Foust asked to separate the vote regarding the appointment of Tony Logue to the Erie County Gaming Revenue Authority. He then commented that in the past, he voted against Mrs. Wyrosdick’s appointments to authorities because she was a County employee. He feels that she can bring some expertise to the ECGRA board and because she is not a County employee any longer, he wishes her luck on her appointment.

Possible appointment of Dr. Mary Ann Tempestini to the Erie County Library Board.
Possible appointment of Sharon Chroscielewski to the Erie County Children and Youth Advisory Board.
Possible appointment of Lisa Smith-Presta to the Erie County Gaming Revenue Authority.
Possible appointment of Katherine Wyrosdick to the Erie County Gaming Revenue Authority.
Possible appointment of Dr. Mathew Sipple to the Erie County MH/ID Board.
Possible appointment of Joelyn Bush to the Erie County Drug and Alcohol Advisory Board.
Possible appointment of Ms. Depend Tamba to the Erie County Drug and Alcohol Advisory Board.
Possible appointment of Tyler Titus to the Erie County Drug and Alcohol Advisory Board.
Possible appointment of Vanessa Fremer to the Erie County General Authority/Erie County Community Services Financing Authority.
Possible appointment of Robert Guthrie to the Erie County General Authority/Erie County Community Services Financing Authority.
Possible appointment of Matthew McLaughlin to the Erie County General Authority/Community Services Financing Authority.
Possible reappointment of David Gonzalez to the Erie County MH/ID Board.

Mr. Anderson asked his colleagues to join him in making a motion to waive the rules of the Administrative Code, Article 5, Section 5(D)(1)(a-c) Erie County Gaming Revenue Authority, including any reference to residency requirements. This was seconded by Mr. Leone.

Mr. Rastetter appreciates the way that Chairman Foust and Mr. Leone have talked about this and expressed their feelings about it. He stated in order to move the people’s business forward, he would have to vote yes on this appointment.

Chairman Foust asked Solicitor Talarico for clarification as to something as simple as moving an item from a first reading to a second reading needs a supermajority, but had indicated in the back that waiving the Council rules does not. Attorney Talarico stated one is directly from language out of the Home Rule Charter and the other one there is no language.

Chairman Foust stated that the way this appointment has come about is something he is not pleased about at all. It has nothing to do with casting aspersions on Mr. Logue or assuming he has some sort of nefarious motive up his sleeve, although Chairman Foust has his doubts and will see what happens. The last meetings of County Council in 2017, the reappointment of the person in this particular district was held up, when four years previous Council voted in the exact opposite manner. Mr. Logue does not live in the district. The people of Erie County should ask, and Mr.

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Anderson and Chairman Foust have been friends for a long time and he has a lot of respect for his expertise that he will bring to Council, but Chairman Foust finds it curious that practically on the first day of the job, his first appointment is someone who doesn't live in the district. Chairman Foust stated that he has to question it and is concerned about it. He said before Council is headed in a direction that is not making him feel comfortable. He feels it is a direction that is the exact opposite of what Council has done in the past. He stated that a lot of the board appointments are being made to create political mischief to bring these boards and authorities to the political heel of this Council. He commented that everyone on Council may disagree with him and that's fine. He has lost votes before and it won't be any skin off his nose. He stated that he will stand up for what he believes is right every time and doesn't care if he gets out voted 6-1 each and every time. The public will know where he stands and if that offends them or fellow members of County Council, he will apologize in advance because that is not his intention from the start. He will have his voice heard if he feels something is afoot and if something is going on that he doesn't particularly like, he will say so.

Mr. Leone stated he understands Chairman Foust's comments, but Council always talks about what they are doing now. There are seven appointments that are not in their district. At one time, he was very adamant, and still is, that there should be a person living in the district on a board. He didn't make the decision not to do that – others have done it. He did not hear Chairman Foust making comments then as he does now. He commented that if Chairman Foust really doesn't have something against this individual, he doesn't understand it and doesn't believe it.

Chairman Foust countered that the other times when a person didn't live in the district, it was known up front to all the members of Council and that was the case then. It is not the case now with this appointment. He stated that does not sit well with him and it is not the way it should be done.

Mr. Anderson then stated that he has the utmost respect for Attorney Tony Logue, for his commitment to the community and being involved as a volunteer and helping move the community forward. Attorney Logue has lived and owns a business in Mr. Anderson's district. He finds it suspicious that this appointment, in particular, seems to be the most important business that has happened during the election of 2017. He has been lobbied by dozens of people to reappoint the former member, and he has great respect for that member. When he sees Council move on four different occasions to attempt to appoint someone whose term has not expired and not wait and give respect to an incoming Councilman, when in fact they are lobbying for that same appointment, it made him wonder what it is that the agenda is being pushed for. He believes Attorney Logue is someone who wants to work with the organization, work with the staff there and the director, and wants to make sure that the public's money is being spent in a fashion that is the most fair and equitable. He feels that Attorney Logue will take that responsibility very seriously and Mr. Anderson is honored to make his first appointment be Mr. Logue.

The motion to waive the Administrative Code then carried in a 6-1 vote, with Chairman Foust voting no.

The appointment of Attorney Tony Logue to the Erie County Gaming Revenue Authority then passed in a 6-1 vote, with Chairman Foust voting no.

**Ord. 3, 2018 –
Create the Erie
County Land Bank**

Mr. Smith gave a first reading of Ordinance Number 3, 2018, "An Ordinance to Create the Erie County Land Bank".

There being no further business, the meeting then adjourned at 7:37 p.m.

Deneé M. Breter, Council Secretary
